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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,827	03/23/2000	Krzysztof Matyjaszewski	00093	9987

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Christine R Ethridge
Kirkpatrick & Lockhart LLP
Henry W Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222-2312

EXAMINER

CHEUNG, WILLIAM K

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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07/01/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Supplemental
Notice of Allowability**

Application No.

09/534,827

Examiner

WILLIAM K. CHEUNG

Applicant(s)

MATYJASZEWSKI ET AL.

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal brief (4/16/2010).
2. ☒ The allowed claim(s) is/are 86,87,90-92 and 94-139.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/William K Cheung/
Primary Examiner, Art Unit 1796

6/29/2010

DETAILED ACTION

1. The examiner acknowledges the receipt of the appeal brief filed April 16, 2010. Claims 1-85, 88, 89, 93, 153, 163-223, 228-269, 271-288 have been cancelled. Claims 86-87, 90-92, 94-152, 154-162, 224-227, 270, 289 are pending. Claims 140-150, 159-162, 224-227, 270 are drawn to non-elected subject matter. Claims 86-87, 90-2, 94-139, 151, 152, 154-158, 289 are examined with merit.
2. In view of the argument filed April 16, 2010, the rejection of claims 130, 131 are rejected under 35 U.S.C. 112, second paragraph, is withdrawn. Further, the rejection of claims 86-87, 90-139, 289 under 35 U.S.C. 102(e) as being anticipated by Matyjaszewski et al. (US 5,945,491 or US 6,111,022), is withdrawn.
3. In view of the argument filed April 16, 2010, the rejection of claims 151-158 under 35 U.S.C. 103(a) as being unpatentable over Matyjaszewski et al. (US 5,945,491) in view of Patten et al., "Atom Transfer Radical Polymerization and the Synthesis of Polymeric Materials", Advanced Materials 1998, 10 No. 12, page 901-915, is withdrawn.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with attorney Joseph L. Kent (Registration No. 54,216) on May 26, 2010.

5. Cancel non-elected claims 140-150, 159-162, 224-227, 270.
6. Cancel claims 151, 152, 154-158, 289.
7. Claim 86 (line 1), replace the first occurrence of "for" with "of".
8. Claim 107 (line 1), replace "for" with "of".
9. Claim 107 (line 6), replace "capable of undergoing" with "which undergoes".
10. Claim 118 (line 1), replace "for" with "of".
11. Claim 118 (line 5), replace "capable of undergoing" with "which undergoes".

Allowances

12. Claims 86-87, 90-92, 94-139 are allowed.
13. The following is an examiner's statement of reasons for allowance:

As of the date of this office action, the examiner has not located or identified any reference that can be used singularly or in combination with another reference including the closest prior art of Matyjaszewski et al. (US 5,945,491) to render the present invention anticipated or obvious to one of ordinary skill in the art. Matyjaszewski et al. fail to teach the claimed invention because there is inadequate evidence that Matyjaszewski et al. inherently possessed the claimed "reversible cycle" feature, and that the "second oligomer or polymer having the first desired functional group and the radically transferable atom or group is not reactive to the catalyst" feature.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William K. Cheung whose telephone number is (571) 272-1097. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/William K Cheung/
Primary Examiner, Art Unit 1796

William K. Cheung, Ph. D.
Primary Examiner
June 29, 2010